



## EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2005 - 34

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### *EMERGENCY SUSPENSION OF CERTAIN UNEMPLOYMENT INSURANCE LAWS*

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- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation No. 48 KBB 2005;
- WHEREAS,** subsequently, Hurricane Katrina struck the state of Louisiana causing severe flooding and damage to the southeastern part of the state which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;
- WHEREAS,** thereafter, a state of public health emergency was declared through Executive Order No. 26 KBB 2005;
- WHEREAS,** Hurricane Katrina and its aftermath has rendered approximately eight hundred thousand (800,000) workers and employers displaced from southeast Louisiana;
- WHEREAS,** in addition to the displaced individuals, there are thousands of individuals remaining in southeast Louisiana with which there has been numerous communication challenges due to the mass extended interruption of mail service, phone service and electricity;
- WHEREAS,** the evacuations, displacements, and communication issues as well as the inability of several employers to gain access to their personnel files has resulted in serious challenges to the administration of the unemployment insurance system, particularly to timely administer claims in a manner that is fair from both the benefit and tax perspective;
- WHEREAS,** the United State Department of Labor has worked with the Louisiana Department of Labor and has authorized flexibility on certain federal laws and regulations during this state of emergency so that unemployment insurance claims may be administered timely and fairly without raising federal conformity issues;
- WHEREAS,** R.S. 29:724 authorizes the governor, during a state of emergency, to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulation of any state agency, if strict compliance with the provision of any statute, order, rules or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and
- WHEREAS,** the secretary of the Department of Labor has requested, due to the extreme volume of claims to be processed, the suspension of R.S. 23:1553, 1541, 1600(2) and (3), and 1601(1), (2), and (7), so as to allow the timely and fair administration of the unemployment insurance program in accordance with his discussion with the United States Department of Labor;
- NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO,** Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

**SECTION 1:**

The following statutes relative to unemployment insurance are hereby suspended during the state of emergency until Sunday, September 25, 2005, unless extended by subsequent Executive Order:

- A. R.S. 23:1541 and 1553 which provide for a claimant benefits to be charged against a base period employer for purposes of that employer's tax experience rating and the protesting of such charges by employer. All such benefit charges shall be against the social charge tax rate and not against a specific employer.
- B. R.S. 1600(2) and (3) which require that claimants register for work and conduct work search activities. Work registration and search activities are not practical for claimants without fixed temporary or permanent housing and verification of such activities is not practical in the many areas that continue to have communication challenges. Claimants otherwise eligible, shall be eligible notwithstanding the requirement to register for work and to conduct a work search.
- C. R.S. 23:1601(1), (2) and (7) which provide certain disqualifications for otherwise eligible claimants. Such disqualification include reasons for separation, including a substantial change in employment by the employer or misconduct connected with employment by the employee and offsets for receipt of other benefits. Many separations are the direct result of the damage and destruction from Hurricane Katrina and its aftermath and not the fault of either the employer or the claimant. Also, calculation of offsets for benefits would unduly delay payment, given the volume of claims and the volume of employers without access to their personnel files. Eligible claimants shall not be disqualified based on the above identified Paragraphs.

**SECTION 2:**

This Order is effective upon signature and shall apply retroactively from Monday, August 29, 2005, through Sunday, September 25, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to Sunday, September 25, 2005.



**IN WITNESS WHEREOF**, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 12th day of September, 2005.

**/S/ Kathleen Babineaux Blanco**  
**GOVERNOR OF LOUISIANA**

**ATTEST BY**  
**THE GOVERNOR**

**/S/ Al Ater**  
**SECRETARY OF STATE**